



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development  
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Public Hearing Date:	October 20, 2009
Land Use Action Date:	December 15, 2009
Board of Aldermen Action Date:	December 21, 2009
90-Day Expiration Date:	January 4, 2010

DATE: October 16, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: Petition #273-09, YOUNG INVESTMENTS, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING STRUCTURE to demolish an existing single-family dwelling and replace it with four attached dwelling units with associated parking waivers (handicapped stall; width of maneuvering aisle, driveway width) and construct a retaining wall greater than 4 feet within the side setback at 244 CALIFORNIA STREET, Ward 1, NONANTUM, on land known as Sec 11, Blk 8, Lot 6, containing approx 7,200 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(2)c), 30-19(h)(3), (4)(a), 30-19(m), 30-15 Table 3, 30-11(d)(8), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

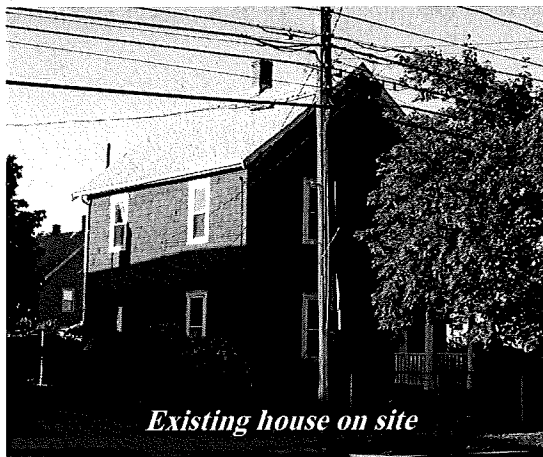
CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



### **EXECUTIVE SUMMARY**

The petitioner proposes to replace a nonconforming single-family home with four attached dwellings on California Street in Nonantum. There are a variety of existing uses in the immediate neighborhood, including light industry, retail, small-scale multi-family residences, and single-family houses. The proposed California Street elevation is designed to mimic a single-family house in order to present a similar appearance to some of the nearby single-family houses. While the proposal includes limited open space, the site is located near to several parks and the Charles River reservation, providing recreational opportunities for residents of different ages. The addition of four townhouses in this neighborhood should support the diversity of the City's housing stock.



*Proposed front elevation*

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When considering this request, the Board should consider if the following findings apply:

- The proposed structure is not more detrimental than the existing nonconforming structure.
- The addition of four attached units expands the availability of a diverse housing stock in Newton.
- The location of the proposed development is appropriate because of its proximity to commercial and recreational facilities.
- The proposed 2½-story, 29.25-ft. structure is appropriate for the context of its neighborhood;
- The construction of a five-foot retaining wall within the setback is appropriate because it will not cause drainage impacts and because it will be minimally visible from outside the property.
- Strict compliance with the dimensional requirements for the maneuvering aisle and the driveway width is impossible due to the shape and size of the lot.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The property is located on California Street in Nonantum, several blocks from the Watertown line and one block south of the Charles River. It is located within a Business 1 District (*SEE ATTACHMENTS "A" AND "B"*), which is adjacent to a Multi-Residence District and a Manufacturing District. The neighborhood is characterized by a mix of uses and structures. On the north side of the street, a series of brick structures hold manufacturing and retail facilities. The neighborhood includes single-family houses, two-family homes, and several small apartment buildings and clusters of attached townhouses. The residential buildings represent a variety of architectural styles ranging from early- to mid-twentieth century styles. The immediate abutters of the property are a six-unit apartment building and a two-family dwelling.

### B. Site

The 7,200 sq. ft. site is relatively flat and is nonconforming in terms of size. The lot currently contains one two-story single-family home.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The petitioner proposes to replace one single-family home with four attached townhouses. The proposed multi-family use appears to be appropriate in this the location given the variety of uses in the surrounding neighborhood, including several sets of attached townhouses and the immediately adjacent multi-family building.

*Should the Committee wish to recommend approval of this petition, the Planning Department would recommend further study of this section of California Street to consider options for possible rezoning, as properties along this stretch of California Street with frontage on the south side of the street are included in a Business 1 District and not one of the properties from Faxon Street to Jasset Street is used commercially.*

### B. Building and Site Design

The petitioner makes use of the narrow lot to stack four attached 2½-story dwellings in a row, with only one unit facing the street. Three of the units are 1,760 sq. ft. in area and the fourth unit is 1,810 sq. ft. The 2,600 sq. ft. parking garage and 530 sq. ft. of storage are located at the basement level. There is direct access from each unit to the garage via individual staircases.

The California Street elevation is designed to mimic the appearance of a single-family dwelling, while the façade is more formal than a typical single-family façade due to the significant amount of glazing surrounding the central entrance. The building will sit deeper on the lot than a conventional single-family house. Overall, its appearance

seems to fit with character of the neighborhood.

While the project entails a significant increase in impervious surface, the compact footprint of the proposed development ensures a minimal impervious surface per dwelling unit. The use of permeable walkways, as proposed in the plans, should further reduce the overall environmental impact. In addition, all the additional stormwater will be infiltrated on site as required by law, minimizing impacts on neighboring properties and the City's stormwater system.

For each unit, the complex includes modest ground-level open space and a balcony on the top floor. The limited amount of open space on site seems to be appropriate in an area in close proximity to Stearns Park, Forte Park and the Charles River, which offer alternative recreational opportunities for people of different ages. Both Stearns Park and Forte Park provide fields, playing courts, and playgrounds. Forte Park also provides a nearby connection to the system of trails that run along the Charles River.



*Proposed right side elevation*

C. Landscaping

The petitioner has proposed landscaping along the edges of the property. A continuous row of arborvitae follows the western side lot line providing screening between the townhouses and the dwelling next door. Along the eastern side lot line several shorter segments of arborvitae provide screening from the adjacent six-unit building. In addition, the petitioner has proposed three Autumn Blaze maples, two in the rear and one in the front. These fast-growing deciduous trees will provide shade and color, in addition to offering screening of the building mass.

D. Parking and Circulation

Eight parking spaces are provided in a below-grade garage for the four units in this

development. ***Prior to the Working Session, the petitioner should provide a turning template plan showing how automobiles will navigate within the underground parking garage.*** Although the plans show a handicap stall in the garage as required by the City's Zoning Ordinance, the petitioner is seeking a waiver from the requirement to include this stall. Indeed, this location is not an optimal location for a handicap stall because there is only access to the garage via staircases and via the driveway ramp. Additionally, because the units are townhouses, they would require significant changes to accommodate handicapped residents, who would be unlikely to choose to live there. Handicapped visitors would likely prefer easier access to the units from parking available in front of the property on California Street.

E. Affordable Housing

The proposed development is subject to the Inclusionary Zoning provisions of Section 30-24(f). The petitioner proposes to make the cash payment in lieu of providing the required affordable units on site.

IV. CITY'S COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* supports the continued existence of diverse types of housing throughout the City. The addition of four townhouses in a mixed-use neighborhood should continue to promote this goal. In addition, the *Newton Comprehensive Plan* notes the importance of affordable housing within the City, and the cash payment alternative chosen by the developer will support future development of affordable housing.

V. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated September 14, 2009 (***SEE ATTACHMENT "C"***), provides an analysis of the proposal with regard to Section 30-11, Section 30-15 Table 3, Section 30-21, and Section 30-24. A special permit is required to construct a multiple-family dwelling in a business zone and to replace an existing nonconforming structure with another nonconforming structure. The petitioner requires a special permit for a 2½-story structure with a height of 29.25 feet. In addition, a special permit is necessary to erect a five-foot wall within the side setback.

B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. The petitioner proposes to provide the required four stalls for four dwelling units. The petitioner is requesting a waiver not to include one handicap stall, as well as waiver from the minimum maneuvering aisles for the garage and the width of the driveway.

C. Other Reviews

1. Engineering. The petitioner has responded to several issues noted in the review of the Associate City Engineer (***SEE ATTACHMENT "D"***), including a request to

provide details of the retaining wall with a safety fence that complies with applicable engineering and building standards, and reconstruction of the driveway ramp that avoids an existing granite corner block, mature tree, and utility pole. The petitioner has provided a draft operations and maintenance plan for storm water management (*SEE ATTACHMENT "E"*). The petitioner also indicated that there would be access for machinery to the infiltration location at the rear of the site by traveling along an 11'-wide path on the right side of the townhouses. *The Associate City Engineer will be asked to review these changes prior to the Working Session.*

2. Fire Department. Assistant Chief of Operations Proia approved fire access plans.
3. Historic Preservation. On August 27, 2009 the Newton Historical Commission determined that the existing single-family residence is not preferably preserved, allowing the demolition of the structure to occur.

#### VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, dated September 14, 2009 (*SEE ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- Section 30-21, to replace a nonconforming structure in a business district with another nonconforming structure;
- Section 30-11, to allow a multi-family dwelling;
- Section 30-15, Table 3, to allow height greater than 24 feet and a building with more than two stories;
- Section 30-19, to waive the requirement for a handicap stall, to waive the minimum width for a maneuvering aisle, and to waive the minimum width of a driveway;
- Section 30-5, to construct a retaining wall greater than four feet within the side setback;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit.

#### VII. SUMMARY OF PETITIONER'S RESPONSIBILITIES

Prior to the Working Session, the petitioner should provide a turning template plan showing how automobiles will navigate within the underground parking garage.

#### **ATTACHMENTS**

- ATTACHMENT A:** *Zoning Map*  
**ATTACHMENT B:** *Land Use Map*  
**ATTACHMENT C:** *Zoning Review Memorandum, dated September 14, 2009*  
**ATTACHMENT D:** *Engineering Memorandum, dated October 1, 2009*  
**ATTACHMENT E:** *Draft Operations and Maintenance Plans for Stormwater Management Facilities*



# Zoning Map

244 California St.  
and Vicinity

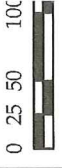
City of Newton,  
Massachusetts

Legend	
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use

## ATTACHMENT A



The information on this Geographic Information System (GIS) map cannot guarantee the accuracy of the information. Each user is responsible for determining its suitability for their intended purpose. City departments are not responsible for approving applications.



MAP DATE:





# Land Use Map

## 244 California St. and Vicinity

City of Newton,  
Massachusetts

### Legend

- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified



The information on this Geographic Information System map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user is responsible for determining its suitability for its intended purpose. City departments may not approve applications.



MAP DATE






## Zoning Review Memorandum

Dt: September 14, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Terrence Morris, attorney for Young Investments, LLC  
Ouida Young, Associate City Solicitor

**RE: Request to construct four attached dwelling units**

**Applicant: Young Investments, LLC**

<b>Site:</b> 244 California Street	<b>SBL:</b> Section 11, Block 8, Lot 6
<b>Zoning:</b> BU-1	<b>Lot Area:</b> 7,200 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> Four attached dwelling units

**Background:**

The subject property consists of a 7,200 square foot lot currently improved with a single-family dwelling. The property owner is proposing to demolish the existing structure and replace it with four attached dwelling units. The following review is based on plans and materials submitted to date as referenced under Plans and Materials Submitted below.

**Administrative determinations:**

1. The proposed development will contain four attached dwelling units. A multi-family dwelling is allowed in the BU-1 zone with a special permit from the Board of Aldermen per Section 30-11(d)(8).
2. The proposed development must comply with the dimensional standards of Section 30-15, Tables 1 and 3 for the BU-1 zone (see chart below).

BU-1 Zone	Required/Allowed	Proposed
Lot size	10,000 sq. ft.	7,200 sq. ft.
Lot size per unit	1,200	1,800 sq. ft.
Frontage	80 feet	60 feet
Setbacks		
• Front	Average	17.6 feet
• Side	½ building height or	12.9 feet, east side (abutter 10 feet)
	equal to the abutters	16 feet, west side (abutter 14 feet)
• Rear	15 feet	15 feet
FAR	1.0	0.99
Building Height	24 feet (by right) 36 feet (special permit)	29.25 feet
Maximum Stories	2 (by right) 3 (special permit)	2.5 feet

3. The subject lot is legally nonconforming with respect to lot size and frontage. Any structure on a legally nonconforming lot in a business district is considered a nonconforming structure even if the structure itself meets all required dimensional standards. In this case, the existing single-family house is legally nonconforming due to its location on a substandard lot. In order to demolish it and replace it with another nonconforming structure as proposed, the applicant must obtain a special permit from the Board of Aldermen under Section 30-21(b).
4. The proposed development will be 29.25 feet in height. A building of up to 36 feet is allowed with a special permit from the Board of Aldermen under Section 30-15, Table 3.
5. The proposed development will be 2.5 stories. A building with more than two and up to three stories is allowed with a special permit from the Board of Aldermen under Section 30-15, Table 3.
6. Section 30-19(d)(2) lays out parking requirements for multi-family attached dwellings. Two parking spaces are required for each dwelling unit. The proposed development contains four units. A total of eight parking spaces must be provided on-site for these units. All of these spaces are provided in an underground garage.
7. The proposed underground parking facility contains eight parking spaces. Section 30-19(h)(2)(c) requires one handicap parking stall in the garage. The submitted plans show one parking space designated for handicap use in the garage. Section 30-19(h)(5)(a) requires that parking spaces be designed "so that each motor vehicle may proceed to and from the parking spaces provided for it without requiring the moving of any other motor vehicle." Section 30-19(h)(2)(c) requires a handicap-parking stall to be a minimum of 12 feet wide and 19 feet deep. With these minimum dimensions, the proposed handicap stall cannot be accessed without moving another vehicle. In addition, a handicap stall in the proposed location is impractical. It is adjacent to a building entrance with stairs rather than an elevator. The proponent must either remedy these problems or request a waiver of the requirement that a handicap space be provided by obtaining a special permit from the Board of Aldermen under Section 30-19(m).
8. Section 30-19(h)(3) outlines the design standards for maneuvering aisles in a parking facility with greater than five parking spaces. A maneuvering aisle of 24 feet is required for the proposed garage. The submitted plans depict a portion of the garage with a smaller maneuvering aisle. The proponent must obtain a special permit from the Board of Aldermen under Section 30-19(m) to waive this dimensional standard.
9. Section 30-19(h)(4)(a) requires 20 feet for a two-way driveway. The driveway entrance to the garage is only 13 feet wide. The proponent must obtain a special permit from the Board of Aldermen under Section 30-19(m) to waive this dimensional standard.
10. In order to construct the access driveway to the garage, an up-to-five foot retaining wall is necessary in the side setback of the subject lot. Section 30-5(b)(4) requires a special permit from the Board of Aldermen for a retaining wall of greater than four feet in any setback.

11. The proposed development is subject to the Inclusionary Zoning provisions of Section 30-24(f). For developments of six housing units or less, a cash payment in lieu of providing affordable units is permitted. The applicants have indicated that they will opt to make the required payment.

<b>Zoning Relief Summary</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Building</b>	
§30-21(b)	Replace one nonconforming structure with another nonconforming structure	SP per §30-24
§30-15, Table 3	Allow height to exceed 24 feet	SP per §30-24
§30-15, Table 3	Allow greater than two-story building	SP per §30-24
	<b>Use</b>	
§30-11(d)(8)	Allow multi-family dwelling	SP per §30-24
§30-24(f)	Comply with Inclusionary Housing Ordinance	Cash payment
	<b>Parking</b>	
§30-19(h)(2)(c), §30-19(m)	Waive requirement for a handicapped stall	SP per §30-24
§30-19(h)(3), §30-19(m)	Waive requirement for width of maneuvering aisle	SP per §30-24
§30-19(h)(4)(a), §30-19(m)	Waive requirement for width of driveway	SP per §30-24
	<b>Site</b>	
§30-5(b)(4), Ordinance Z-45	Construct a greater than four-foot retaining wall within the side setback	SP per §30-24

Plans and materials reviewed:

- Plan set titled "244 California Street, Newton, MA", dated August 5, 2009, prepared by The ARCOP Group, 8 Faneuil Hall Marketplace, Suite 300, Boston, MA, 02109, David Barsky, Registered Architect, consisting of the following:
  - Sheet A00 – Cover Sheet
  - Sheet A01 – Garage Parking Plan and Site Plan with Conceptual Landscaping
  - Sheet A02 – Floor plans, Proposed
  - Sheet A03 – Elevations: Front, Side and Rear
- Plan set, prepared by VTP Associates, Inc., Land Surveyors – Civil Engineers, 132 Adams Street, Newton, MA 02458, Joseph T. Porter, Professional Land Surveyor, consisting of the following:
  - Topographic Site Plan - Newton, Massachusetts Showing Existing Conditions At 244 California Street," dated July 11, 2009
  - Topographic Site Plan – Newton, Massachusetts Showing Proposed Conditions At 244 California Street, dated August 5, 2009
  - Area Plan of Land at 244 California Street, dated July 8, 2009
- Record of Action Newton Historical Commission, August 27, 2009 regarding 244 California Street dwelling.



CITY OF NEWTON  
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 244 California Street

Date: October 1, 2009

CC: Lou Taverna, PE City Engineer (via email)  
Candice Havens, Chief Planner (via email)  
Linda Finucane, Associate City Clerk (via email)  
Eve Tapper, Chief Zoning Officer, (via email)  
Benjamin Solomon Schwartz, Planner (via email)

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In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan  
Showing Proposed Conditions At  
#244 California Street  
Newton, MA  
Prepared by: VTP Associates Inc.  
Dated: September 15, 2009*

Site Access:

1. A turning template plan is needed to demonstrate how automobiles will navigate within the underground parking garage.
2. The existing driveway apron shall be closed and remodeled as a sidewalk utilizing granite curbing with cement concrete sidewalk.
3. Construction of the proposed retaining wall may be problematic due to the juxtaposed driveway at #240 California Street.
4. Details for the proposed retaining wall are needed.

5. A safety fence will be needed on top of the proposed retaining wall as there is an 8-foot drop at the high point. Details of the fence and anchoring system will be needed.
6. The site plan does not show a new driveway apron for access. The alignment of the proposed driveway ramp may be problematic with the existing utility pole, granite corner block of the abutting driveway, and the root system of a deciduous City tree.
7. The architectural plans indicate one handicap parking stall in the basement, yet there is no elevator, how does one access the upper floors?

Drainage:

1. The drainage analysis is acceptable for the City of Newton's 100-year storm event however; there are math errors in the calculations that need to be corrected.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.
4. How will the infiltration system in the rear of the lot be maintained as there is no vehicular access?

Water & Sewer:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a written report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.

2. Hydraulic calculations are required to justify the size of the proposed 2-1/2" domestic water service.
3. The domestic water service and sanitary sewer service are less than the required minimum of 10' apart horizontally which is a Department of Environmental Protection minimum standard; therefore the entire length of the proposed sanitary sewer service shall be encased in Class B concrete.
4. The proposed 6" sanitary sewer service shall be upgrade to an 8" diameter SDR35 PVC pipe.
5. The end of the line sewer manhole should be moved northerly approximately 7-feet, which would allow the last service connection to be directly connected to the manhole.
6. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
7. All utility trenches with the right of way which includes the sidewalk and loam border and street shall be backfilled with Control Density Fill (CDF) excavatable Type I-E; detail is available in the City of Newton Construction Standards Detail Book.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property.
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage



system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval.

4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction.
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading.
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work..

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

**OPERATIONS AND MAINTENANCE PLAN  
For Stormwater Management Facilities  
At 244 California Street, Newton, MA**

**ATTACHMENT E**

**REFERENCE**

Reference is made to the 244 California Street Condominium Master Deed ("Master Deed"). The Premises at 244 California Street are to be submitted to the condominium form of ownership in accordance with M.G.L. c. 183A. The Operations & Maintenance Plan for Stormwater Management Facilities at 244 California Street, Newton, MA ("O&M Plan") is to be incorporated into the Master Deed in Section 5 under the general heading titled, "Common Area and Facilities" and subsection 5.2, titled, "Operations & Maintenance Plan for Stormwater Management Facilities". The Master Deed is to be recorded in conjunction therewith upon completion of the construction in accordance with Special Permit #\_\_\_\_-09. Said Special Permit was previously recorded on \_\_\_\_\_, 2010 at the Middlesex South Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_.

**Applicability**

This document governs the stormwater management facilities, all as shown on the "Topographic Site Plan", dated August 7, 2009, revised to October \_\_, 2009, prepared by VTP Associates, Inc., stamped and signed by Stephen Poole, P. E., and as referenced in Condition 1 of the Special Permit #\_\_\_\_-09.

**Facilities**

The stormwater management facilities are comprised of an infiltration system and associated catch basin located to the left of the building beneath the driveway ramp and another infiltration system in the yard area at the rear of the building.

**Responsibility**

It shall be the responsibility of the Condominium Trustee(s) to ensure that the structures are inspected, maintained and cleaned twice annually in the spring and fall. In addition, the main driveway on which the catch basin is situated, shall be regularly swept clean of dirt or debris, which may contribute to the build-up of sediments in the catch basin. Sediments captured from the basin will be removed and disposed of in accordance with MA-DEP policy.

All inspections are to be conducted by a registered P.E., who shall complete a Report to the Commissioner of Public Works summarizing his activities and the condition of the stormwater management structures. The Trustees of the Condominium are to file said Report with the Commissioner no later than December 15<sup>th</sup>, each calendar year.

**Contact Person**

Young H. Lee, Trustee-designate  
c/o 244 California Street, LLC  
477 Concord Avenue  
Cambridge, MA 02138  
617 448-3752